

1 Amend 2 Cal. Code Regs. Section 18361.7 to read:

2 **§ 18361.7. Executive Director Subpoena Authority.**

3 Notwithstanding 2 Cal. Code Regs. ~~section~~ Section 18319:

4 ~~(a) The Executive Director shall have~~ has the authority to issue ~~a subpoenas~~
5 subpoena on behalf of the Commission pursuant to Government Code ~~sections~~ Sections
6 83118 and 11510. The Executive Director ~~shall not~~ may authorize the issuance of a
7 subpoena duces tecum ~~unless if~~ if he or she finds, based on information submitted to him or
8 her in writing, that the information requested in the subpoena is material to a specific
9 matter ~~then~~ under investigation, and ~~that there is reason to believe that the Executive~~
10 Director reasonably believes the person or entity ~~to be subpoenaed~~ has the desired
11 information under ~~their~~ its control. ~~The Executive Director may delegate in writing his or~~
12 ~~her authority under regulation 18361.1 to issue subpoenas only to the General Counsel or~~
13 ~~Chief of the Enforcement Division and then only when the Executive Director believes~~
14 ~~he or she cannot be fair or impartial with respect to a particular matter or when he or she~~
15 ~~will be away from the offices of the Commission.~~

16 ~~(b) The Executive Director may delegate in writing any other authority under~~
17 ~~regulations 18361.1 through 18361.8 only to the General Counsel and then only when the~~
18 ~~Executive Director believes he or she cannot be fair or impartial with respect to a~~
19 ~~particular matter or when he or she will be away from the offices of the Commission.~~

20 NOTE: Authority cited: Section 83112, Government Code.

21 Reference: Sections 83115, 83115.5 and 83116, Government Code.